

COMMITTEE OF BAR EXAMINERS

OPEN SESSION AGENDA ITEM

AGENDA ITEM: April 2015 - O-403

DATE: April 17, 2015

TO: Subcommittee on Educational Standards

FROM: George Leal, Director, Educational Standards

SUBJECT: **Amendments to Guideline 7.11 (Distance-Education Credit) of the *Guidelines for Accredited Law School Rules***

BACKGROUND

Guideline 7.11 of the *Guidelines for Accredited Law School Rules* permits California-accredited law schools (CALS) to grant a maximum of twelve semester units (or their quarter equivalent) of credit for classes offered in its J.D. degree program through the use of “distance learning” technology. Today, such technology relies almost exclusively upon the Internet to offer either synchronous (“real time”) or asynchronous (taped video or audio lectures or written correspondence) classes. Guideline 7.11 also restricts the number of units to four that students may be taught using distance learning in a given semester and it bars the use of such technology in classes offered in the first year of law study.

Since Guideline 7.11 was adopted in 2009, the Web-based technology now used in virtually all distance-learning legal education has improved significantly and is becoming more prevalent in fixed-facility law schools, including those approved by the American Bar Association. With the recent increase in the number of branch campuses being opened, and those already operated by the CALS, it is expected that an increasing number of J.D. degree classes will be offered as a means to teach the same cohort of students studying at different campuses in a cost-efficient manner.

Given these developments, the CALS deans have proposed several significant amendments to Guideline 7.11 to allow greater use of distance-learning technology in the J.D. degree curriculum. The key element of their proposal would remove the twelve-unit restriction and, instead, allow up to 50% of a J.D. degree curriculum to be taught using such technology including courses offered in first-year classes. The proposed amendments would also provide new definitions of what constitutes distance-learning instruction and how credit for such instruction should be calculated.

DISCUSSION

The CALS' proposal offers the Committee the opportunity to reconsider the appropriate use of distance-learning technology in an accredited program of legal education leading to the award of a J.D. degree. Given the expanded use and improvements in Web-based legal education, it appears an effort to revise and modernize Guideline 7.11 to better meet the needs of both law schools and their students is appropriate.

The definition of what constitutes distance education, however, is one that has been under study by the Committee for some time, especially as it relates to defining it for the unaccredited law schools and distinguishing distance learning law schools from correspondence law schools. While the CALS have a particular interest in revising the Guidelines at this time, it is an issue that needs further discussion and input from other categories of schools before a final recommendation is prepared by staff for consideration by the Committee, which, most likely, will be placed on the agenda for consideration by the Committee in August.